

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL JAMES WARNER,	:	No. 3:23cv1629
Plaintiff	:	
	:	(Judge Munley)
v.	:	
	:	(Magistrate Judge Caraballo)
SUBURBAN EMERGENCY	:	
MEDICAL SERVICES,	:	
Defendant	:	

ORDER

Before the court for disposition is a report and recommendation ("R&R") from Magistrate Judge Phillip J. Caraballo, which recommends granting Defendant Suburban Emergency Medical Services' ("Suburban") motion for judgment on the pleadings and dismissing Plaintiff Michael James Warner's civil rights complaint with prejudice. (Doc. 47). Judge Caraballo issued the R&R on May 27, 2025. (*Id.*) By rule, objections to the R&R were due within fourteen (14) days of the issuance of the R&R, or on June 10, 2025. See M.D.PA. L.R. 72.3. No objections to the R&R have been filed and the time for such filing has passed.

In deciding whether to adopt an R&R where no objections have been filed, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. Civ. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear

error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

In this matter, plaintiff filed an initial complaint on October 2, 2023, alleging a hostile work environment. (Doc. 1). On February 26, 2024, plaintiff filed an amended complaint, consisting of a single typewritten page. (Doc. 12). On July 15, 2024, Defendant Suburban submitted a motion for judgment on the pleadings requesting dismissal with prejudice under Federal Rule of Civil procedure 12(c) for plaintiff's failure to state a claim. (Doc. 29). On September 27, 2024, plaintiff moved for leave to file another amended complaint, (Doc. 37), but Chief Magistrate Judge Daryl F. Bloom denied that motion due to the lack of a proposed amended complaint as required by Local Rule 15.1. (Doc. 44).

According to the R&R, plaintiff's amended complaint fails to suggest the existence of any plausible claim and lacks an articulation of a legal claim. (Doc. 47, p. 10-11). Additionally, the R&R concludes that the plaintiff's failure to file a proposed amended complaint as required by Local Rule 15.1 warrants dismissal with prejudice. Garza v. Citigroup Inc., 724 F. App'x 95, 101 (3d Cir. 2018). After review, the court finds neither a clear error on the face of the record nor a manifest injustice. Therefore, the R&R will be adopted. The plaintiff's complaint will be dismissed.

Accordingly, it is hereby **ORDERED** that:

- 1) The magistrate judge's R&R, (Doc. 47), is **ADOPTED**;
- 2) Defendant Suburban's motion for judgment on the pleadings, (Doc. 29), is **GRANTED**;
- 3) Plaintiff's amended complaint, (Doc. 12), is **DISMISSED** with prejudice;
- 4) The Clerk of Court is directed to **CLOSE** this case.

Date: 6/11/25

BY THE COURT:

JUDGE JULIA K. MUNLEY
United States District Court